

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

213

CRM-M-32196-2018

Date of Decision:31.10.2018

Harvinder Singh

.....Petitioner

Versus

State of Haryana

.....Respondent

CORAM: HON'BLE MR.JUSTICE HARI PAL VERMA.

Present: Mr. Rakesh Nehra, Advocate,  
for the petitioner.

Mr. Manish Bansal, D.A.G., Haryana.

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HARI PAL VERMA, J.(Oral)

Prayer in this petition filed under Section 439 Cr.P.C. is for grant of regular bail to the petitioner in case FIR No.485 dated 28.05.2018 under Section 22(B) of the NDPS Act & Sections 42-A, 45 of the Jail Act, registered at Police Station Jhajjar, District Jhajjar.

The allegations against the petitioner is that when he was working as a Staff Nurse and posted in District Jail, Jhajjar, while conducting routine frisking, he was found in possession of two memory cards from his trouser and two full strips containing Nitrazepam 10 mg. tablets and one full strip of Ection containing 10 tablets.

Learned counsel for the petitioner has argued that the petitioner is in custody since 27.05.2018 and the average weight of one tablet of Ection is 0.186 gms. and total weight comes to 1.86 gms, which is a small quantity. Similarly, Nitrazepam tablet is of 10 mg. each and the average

weight of one tablet is 0.550 gm. and 37 tablets of Nitrazepam recovered from the possession of the petitioner, thus, total weight of which comes to 20.35 gms. As per entry No.221, quantity of 20 gms. falls in small quantity which is marginally above the small quantity. There is no other case against the petitioner.

Learned State Counsel has argued that FIR was registered in this case on 28.05.2018 and the petitioner is in custody since 28.05.2018 and the case is now fixed for framing of charge. However, on instructions from HC Jagdeep Phogat, he states that there is no other case against the petitioner.

I have heard learned counsel for the parties.

Considering the fact that the recovered quantity is non commercial and the petitioner is in custody since 28.05.2018, coupled with the fact trial in the case is likely to take a long time as the case is fixed today itself before the trial court for framing of charge, this Court deems it appropriate to admit the petitioner on bail.

Accordingly, the present petition is allowed and the petitioner is admitted on regular bail, subject to furnishing of his bail bonds/surety bonds to the satisfaction of trial Court.

However, in case the petitioner is found indulged in any other case, the prosecution would be at liberty to seek cancellation of his bail in the present case.

**October 31, 2018**  
seema

**(HARI PAL VERMA)**  
**JUDGE**

Whether speaking/reasoned: Yes/No  
Whether Reportable: Yes/No